

Subject: Re: CT2 Plaintiffs' Proposed Briefing Schedule for Daubert and MSJ's
Date: Monday, August 10, 2020 at 8:18:38 PM Eastern Daylight Time
From: Steven Ruby
To: Anthony J. Majestro
Attachments: image001.png

Thanks. Here's our proposal. We can meet and confer tomorrow at 10, 11:30, or 12:30. Let me know what time works.

Per the Court's August 6, 2020 Order [Dkt. 834], the parties are required to meet and confer tomorrow about the current pre-trial schedule. In light of the change in expert deadlines, Defendants propose the following changes to the schedule, with other dates remaining the same:

Deadline	Current Deadline	New Deadline
Motions in limine and Daubert motions	September 22	September 29
Oppositions to motions in limine and Daubert motions due	September 29	October 6
Replies to Daubert motions due (no motion in limine replies)	October 5	October 12

Please let us know if Plaintiffs consent to this proposed change. Separately, we are considering Plaintiffs' proposed exhibit list stipulation and expect to provide a substantive response early next week.

Steven R. Ruby
o: 304 345 1234
m: 304 546 6038

From: "Anthony J. Majestro" <amajestro@powellmajestro.com>
Date: Monday, August 10, 2020 at 6:46 PM
To: Steven Ruby <sruby@cdkrlaw.com>
Subject: CT2 Plaintiffs' Proposed Briefing Schedule for Daubert and MSJ's

Resending.

Sorry, this went to your old email. Here is our proposal:

1. **Streamlining Motions:**

- a. Statement of Related Rulings: Each motion should identify which if any previous rulings by the MDL Court relate to the motion at issue and indicate, with specificity, why this Court's ruling should differ from the previous court's ruling.
- b. No MILs – Given that this is a bench trial, Plaintiffs contend MILs will be of limited value.

2. **Timing of Motions** -

Exhibit A

a. **Daubert Motions** - In light of the fact that defendants will have 14 additional days to review Plaintiffs' expert reports and prepare *Daubert* motions, and given that 7 of the experts submitted here were tested in the MDL, Plaintiffs **propose the following**:

1. Motions follow deposition: **Daubert motions will be filed within five (5) days of the expert's deposition.** (One parties' position that a deposition has not been completed will not entitle the party to postpone submission of the *Daubert* motion.). Oppositions will be due 14 days after the motions are filed.

b. **Dispositive Motions**

1. Dispositive Motions will be filed no later than **9/18/20**. Oppositions will be due October 2, 2020.

3. **Page limits** - Given the more than 2,000 pages of briefing was previously filed in the MDL, and additional motions have been filed in this case, most or all of the common issues have already been addressed. Consequently, Plaintiffs propose that little additional briefing is needed now and the parties should streamline any remaining issues and consolidate the issues presented to avoid an unnecessary burden on the Court.

Plaintiffs propose a of **100** pages total available to each side for both dispositive and *Daubert* motions.

Anthony J. Majestro, Esq.
Powell & Majestro, PLLC
405 Capitol Street, Suite P-1200
Charleston, WV 25301
304-346-2889 / 304-346-2895 (f)
amajestro@powellmajestro.com

